

*Application No. 09/682865
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*Amendment
Attorney Docket No. S63.2B-9720-US01*

Remarks

This Amendment is in response to the Office Action dated May 26, 2004. New claims 63 – 65 have been added. Support for the amendment is found at least in Fig. 1. and paragraph 10 of the specification. The paragraph numbering below corresponds to that of the Office Action.

(1)

Applicant acknowledges the withdrawal of claims 10, 13, 15, 20-21, 24, 27 and 30-63.

(2)

Claims 1-9, 14, 16-19, 22-23, 25-26 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Di Caprio et al (US. 6,123,712).

Independent claim 1 includes the recitation that the inflatable members are inflatable inward into the channel so as to reduce in area a cross-section of the channel which extends perpendicular to a longitudinal axis of the channel.

This feature is not shown in Fig. 13 of Di Caprio. The inflatable pouches of Di Caprio are disposed about a catheter shaft. There is no disclosure that the inflatable pouches reduce in area a cross-section of the inner catheter shaft or channel about which they are disposed.

Withdrawal of the rejection as to claim 1 and claims dependent therefrom is respectfully requested.

Claim 5 has been rewritten in independent format including the limitations of claim 1 from which it depends but not including the limitation of claim 3. Claim 5 includes the recitation that the inflatable members are generally tubular and have a generally wedge or pie-shaped cross-section. This feature is not disclosed in De Caprio. To the contrary, the Office Action characterizes De Caprio as having inflatable members with a circular cross section.

Withdrawal of the rejection as to claim 5 is requested.

Further as to claim 6, dependent from claim 1, Applicant notes that the "tube" identified in the Office Action is a stent. Claim 6, on the other hand, requires a rigid tube. Di Caprio does not suggest using a rigid tube in place of stent. For this reason also, claim 6 is patentable over Di Caprio.

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Claim 14 has been rewritten in independent form with all of the limitations of claim 1 as originally filed. Claim 14 requires that a balloon portion of a balloon catheter assembly be disposed in a channel defined by inflatable members. To the extent that the Di Caprio inflatable pouches are considered to form a channel, Di Caprio lacks a balloon portion of a balloon catheter in the channel.

Claims 16-19 have been canceled without prejudice or disclaimer thereby mooting the rejection of these claims.

Claim 22 has been amended to depend from claim 1. The Office Action does not point to any disclosure in Di Caprio that the balloon contacting portion is made of a compliant material and the remainder of the balloon is made of a non-compliant material, as required in the claim. For this additional reason, claim 22 is patentable over Di Caprio.

Claim 23 has been canceled without prejudice or disclaimer thereby mooting the rejection of these claims.

Claim 25 has been rewritten in independent form incorporating all of the limitations of claim 1 as filed. Claim 25 is patentable at least for the reasons discussed above with respect to independent claim 1. Applicant also notes that claim 25 includes the steps of at least partially deflating the medical balloon, the inwardly deformed portions of the medical balloon forming a plurality of balloon folds; and removing the inflatable members from about the medical balloon. This combination of steps is not dealt with in the Office Action nor is it disclosed in Di Caprio.

At least for these reasons, claim 25 and claims dependent therefrom are patentable over Di Caprio.

Claim 28 depends from claim 25 which, indirectly, depends from claim 1. Claim 28 is patentable over the applied art at least for the reasons discussed above with respect to claim 1. Moreover, claim 28 includes the step of at least partially deflating the medical balloon, the inwardly deformed portions of the medical balloon forming a plurality of balloon folds; and removing the inflatable members from about the medical balloon. This combination of steps is not dealt with in the Office Action nor is it disclosed in Di Caprio.

At least for these reasons, claim 28 and claims dependent therefrom are patentable over Di Caprio.

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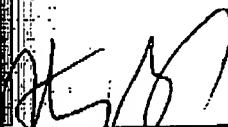
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Conclusion:

The application is now seen to be in condition for allowance. Notification to that effect is respectfully requested.

Respectfully submitted,

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